

1  
2  
3  
4  
5  
6  
7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 KENT PORTER, SR., and COWLITZ  
11 INDIANS, et al.,

12                   Plaintiff,

13                   v.

14 JOAN ORTEZ, et al.,

15                   Defendants.

16  
17                   No. C04-5832RBL

18                   ORDER DENYING  
19                   PLAINTIFF'S MOTION  
20                   FOR APPOINTMENT OF  
21                   COUNSEL

22                   This matter is before the court on Plaintiff's Motion for the Appointment of Counsel, presumably  
23 under 42 U.S.C. §1915 [Dkt. #30] The Plaintiff's claims in this case are difficult, if not impossible, to  
24 discern. It appears that he claims the defendants wrongfully denied him rights as a member of the Cowlitz  
25 Indian Tribe, in violation of 25 U.S.C. §1301 et seq., a variety of other federal law, and the Constitutions  
26 of the United States and the Cowlitz Tribe. He alleges violation of his federal due process and equal  
protection rights, the infliction of emotional distress, and similar claims.

27                   Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to  
28 afford counsel. Under Section 1915, the court may appoint counsel in exceptional circumstances.  
*Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court  
must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims

1 pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th  
2 Cir. 1983).

3 At this point, plaintiff has made no showing that his claim has merit. He has demonstrated that he  
4 has difficulty articulating his pro se claim, but that alone does not establish the "exceptional circumstances"  
5 necessary for the appointment of counsel. The Plaintiff's application for appointment of counsel [Dkt.  
6 #30] is therefore DENIED.

7  
8 DATED this 28<sup>th</sup> day of November, 2005.  
9

10  
11   
12 RONALD B. LEIGHTON  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28